

1904-038
Lee Co.

Chancery Causes: N. L. Johnson vs. B. F. Richmond &c

Powells Valley Bank

CA-Debt
T-Property

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee County,
Virginia:

Humbly complaining, your oratrix, N.L. Johnson, would respectfully show and represent unto your honor, that on the 25th day of October 1902, for value received, one B.F. Richmond and Mattie D. Richmond executed to your oratrix, their four joint notes, negotiable and payable at Pennington Gap, Va., for the following amounts, and payable at the following times and dates, respectively, and each bearing interest from date, to-wit: One note for \$321.78, due and payable six months after the date thereof; one for \$321.80, due and payable twelve months after the date of same; one for \$321.78, due and payable eighteen months after date, and the fourth note for \$321.78, due and payable twenty four months after date, and each note waiving the home-stead exemption; and all of which notes aggregating the sum of \$1287.14, exclusive of the interest is justly owing to your oratrix by the said B.F. Richmond and Mattie D. Richmond, no part thereof having been paid to your oratrix; that the first of the above named notes is now past due, having become due and payable on the 25th day of April, 1903, the remaining three notes, being not yet due, but will become due and payable as aforesaid. That the said B.F. Richmond and Mattie D. Richmond failed and refused, and still do fail and refuse to pay to your oratrix the amount of the note now past due, though they have ^{been} requested often so to do. That the said B.F. Richmond and Mattie D. Richmond at the date of the execution of the said four notes were the owners of a valuable tract of land in said county, on Wallen's Creek, near Stickleyville and of considerable personal property, which said land and property was the basis of the credit extended to them by your oratrix. But, that recently, they have, as your orator has been informed and so alleges, converted, are converting and about to convert their property, real and personal, or a material part thereof, into money, securities and evidences of debt, with intent to hinder and delay and defraud their creditors; and that they have assigned and disposed

and prayed to be read and treated as a part of this bill.

posed of, and are about to assign and dispose of their estate, or a material part thereof, with intent to hinder, delay and defraud their creditors; that they have recently sold their real estate ~~to~~ for the sum of eleven thousand dollars, cash in hand, and have a ~~pa~~ part of the proceeds of the sale thereof deposited in the Powell's Valley Bank, a corporation, doing business in said county; that they refuse in any manner, to secure the payment of the ^hree notes not yet due, and to pay the note already due; they have boasted that unless your oratrix will discount the said notes in a manner that ~~w~~ will be satisfactory to them, that they will not pay any of them. Now your oratrix is advised, that under the laws of this state she has the right to have the estate of the said B.F. Richmond and Mattie D. Richmond attached, and held secure that the ^a ~~same~~ may be forthcoming and liable to the payment of your oratrix's claims when the same shall become due and payable; and that she has also the right to have the said money of the said B.F. Richmond and Mattie D. Richmond, or of either of them, now deposited in the said Powell's Valley Bank, a corporation as aforesaid, attached and held for the payment ~~or~~ ^{of your} oratrix's said claim, and to have said Powell's Valley Bank made a party to this bill and required to disclose in court what sum of money and other effects ~~they~~ it has in its possession belonging to the said B.F. Richmond and Mattie D. Richmond, ~~or of~~ or belonging to either of them. The object of this bill, therefore, is to obtain a decree for the amount of the note already past due, and to obtain an attachment in equity against the estate of the said defendants, and to attach and subject the fund belonging to either or to both of the said B.F. Richmond and Mattie D. Richmond on deposit in the Powell's Valley Bank, to the payment of the note of your oratrix now past due, and to attach and to hold a sufficiency of said estate and said ~~f~~ fund in said bank, subject to the future order of the court, as may be necessary to pay and to satisfy said other three notes when they shall become due and payable.

The prayer, therefore, of your oratrix is, that the said B.F. Richmond and Mattie D. Richmond and the Powell's Valley ^{Bank,} Bank

a corporation, be made parties defendant to this ~~to this~~ bill, and be re-quired to answer the same, but not on oath, that being waived that the said bank be required to answer and state whether it be indebted to the said Mattie D. Richmond and B.F. Richmond or to ~~either~~ either of them, and if so, in how much, and also answer whether it has in its possession any effects of the said B.F. Richmond and Mattie D. Richmond, or ~~of~~ either of them, whether on deposit, or otherwise, and if so how much and of what it consists; that process with attachment issue, directed to the proper officer; that the relief a above prayed for be granted; and that all such other further and general relief be extended your oratrix as may be suitable to her cause. And your oratrix will ever pray, etc.

Orv & Noel p.g.

Plffs Costs
Clerk
Tax 1.50
Shff 2.50
Atty 15.00

Ort Noel. P. 9

N. L. Johnson

vs Bill & L. Har.

B. F. Richmond

Filed May 12th 1903

A. B. Mansley Clerk

1903, 1st June rules Bill
filed summons
executed & Decree Nisi
" 2nd June rules Decree
Nisi confirmed and
Cause set for hearing.

H. L. Johnson

Plff

B. F. Richmond et al Defts.

This Cause came on this day to be heard upon the plaintiffs bill and exhibits filed therewith, and was argued by counsel. And it appearing that the defendants have been duly and legally summoned, they appearing neither to answer or demure to said bill of complaint, the same is taken for confessed as to the defendants.

But it appearing further to the Court that the matters complained of in said bill have been settled and adjusted between the parties since the institution of this suit, and nothing further appearing to be done in the premises, this cause is stricken from the docket.

N. L. Johnson
vs Decree Final

B. H. Richmond et al
See CDB, No 7, p. 408

Enter this Decree
this Feb 17. 1904
J. C. W. Skew
Judge

Virginia, Lee County, to wit:-

I J. B. Noel, attorney at law for N. L. Johnson, do solemnly swear that the claim of said N. L. Johnson, plaintiff ^{a suit in} in equity, filed in the Circuit Court of Lee County, against B. F. Richmond, Mattie D. Richmond & Pamella Valley Bank, a corporation, for the sum of \$287.14 evidenced by four notes executed by said B. F. Richmond & Mattie D. Richmond, jointly, to said N. L. Johnson, October 25th 1902, are for \$321.78 due and payable six months after date, are for \$321.80 due and payable twelve months after date, are for \$321.78 due and payable eighteen months after date and the other for \$321.78 due and payable twenty four months after date, each of said notes bearing interest from date, and claiming the benefit of the homestead exemption, and negotiable and payable at Pumpington Gap Va, is believed by affiant to be just; and affiant further believes that the said plaintiff is entitled to and ought to recover in said action, the said sum of \$287.14 at the least, and interest as aforesaid; and to the best of affiant's belief the said defendants, ^{B. F. Richmond & Mattie D. Richmond} are converting, and are about to convert, and have converted their property, real and personal, & a material

part thereof, into money, securities and evidences of debt with intent to hinder, delay and defraud their creditors; and to the best of affiants belief the said defendants B. L. Richmond & Mattie D. Richmond have assigned and disposed of their said estate, and a material part thereof, with intent to hinder delay and defraud their creditors.
So help me God.

J. C. Noel. Attorney for N.Y.
Subscribed and sworn to before me this
the 12th day of May 1903.
A. B. Munsey, Clerk

N. L. Johnson
affi for attachment

B. F. Richmond et al

Filed May 12th 1903.

A. B. Munsey clerk

"affiant"

This memorandum is left with the clerk of the County Court of Lee County Virginia, in pursuance of the provisions of section 35-66 of the Code of Virginia in order to secure the lien of an attachment issued under Chapter 741 of the Code, in compliance with the requirements of which section the following facts are set forth:-

1. The title of the cause is N. L. Johnson vs B. F. Richmond et als.

2. The general object thereof is to recover of the said B. F. Richmond & Mattie D Richmond the sum Twelve hundred & eighty seven dollars and fourteen cents, amount of notes executed by said defendants to the said plaintiff, and to attach the hereinafter mentioned land of the ^{said} defendants to secure the same.

3. The court in which the suit is pending is the Circuit Court of Lee County on its Chancery side.

4. A description of the land is as follows:-

That certain tract of land containing
acres more or less, known as
the tract of land on which said Richmonds
now reside, lying on Wallens Creek, in
said County, about miles east of Stickley-
ville, together with all the buildings and
improvements thereon

5- The names of the persons whose estate is intended to ^{be} affected thereby are B. F. Richmond & Mattie D. Richmond.

N. G. Johnson

By J. C. Noel, her
Atty at-law.

Virginia, Lee County Court Clerk's Office the 12th
day of May 1903.

I, B. M. Morgan, Clerk of the County Court
in and for the County and State aforesaid
do certify that J. C. Noel, attorney at law
for N. G. Johnson, ^{whose name is signed to the} ~~has~~ ~~acknowledged~~ the
- foregoing writing ~~same~~ before me in my County & office
aforesaid, and the same is admitted to
record. Given under my hand this the
12th day of May 1903.

B. M. Morgan

clerk.

N. L. Johnson
vs { L. A. Benders
B. F. Richmond et al

Recorded in Deed
Book No. 40. P-234

Indexed
Examined May 13, 1903

Clerk \$1.25-

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *B. F. Richmond, Mathie
D. Richmond and Powells Valley Bank, a Corporation*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the *1st* Monday in *June*, 190*3*, to answer a
bill in chancery exhibited against *them* in our said court by
N. L. Johnson

And have then there this writ. Witness, *A. B. MUNSEY*, Clerk of our said Court,
at the court-house, the *12th* day of *May*, 190*3*, and in the *12^{7th}*
year of the Commonwealth.

A. B. Munsey, Clerk.

I have executed the within writ and order of attachment
endorsed thereon, by delivering an office copy of said writ
and attachment to C. C. Bayh, Cashier of Fidelity Valley
Bank, and by leaving the said attachment on the following
real estate of the defendant B. F. Richmond, to wit: the
Richmond tract, which is that certain tract of land, of
which they are in possession, and on which they de-
velop, situated in Lee County Va on Fidelity Creek,
about 2 or 3 miles east of Buckleyville Va, and containing
25-4 acres more or less, this the 30th day of May 1903.
at 8-30 o'clock A.M.

Wm. Michener
J.C.

N. L. Johnson

vs.

SUBPOENA
IN CHANCERY.

B. F. Richmond et al

Ort & Noel p. q.

To 1st June Rules.

1903. Circuit Court.

Given under my hand this 12th day of May 1903
At 13 o'clock

The undersigned having been made and filed the
affidavit to whom this process is directed will attach the
estate of the defendant B. F. Richmond, et al, Mathias, Richmond,
and the same in his hands so attached, will, secure and
provide that the same may be forthcoming and liable to
the future order of the Court, and will summon Powell's
Valley Bank, to appear at the Court house on the 1st day
of the next term of the Circuit Court of Lee County Va,
before said Court and disclose on oath, in what sum it is
indebted to the defendants B. F. Richmond and Mathias D. Richmond
or either of them, and what effects of the said defendants it
has in its hands.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *B. F. Richmond, Mattie D. Richmond and Powell's Valley Bank, a Corporation*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the *1st* Monday in *June* 190*3*, to answer to a bill in chancery, exhibited against *them* in our said Court by *N. L. Johnson*

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at the court-house, the *12th* day of *May* 190*3* and in the *12th* year of the Commonwealth.

A. B. Munsey Clerk

R. L. Johnson

SUBPENA
IN
CHANCERY.

vs.

B. F. Richmond et al

Ort & Noel p. q.

To *1st June* Rules

Lee Circuit Court.

*See M. W. Flannery's
return on back.*

The ~~booker~~ Affidavit having been made and filed the officer to whom this process is directed will attach the estate of the defendants B. F. Richmond & Mattie D. Richmond, and the same in his hands as attached, will so secure and protect that the same may be forthcoming and liable to the future order of the Court, and will summon Powell Valley Bank, to appear at the Court-house on the 1st day of the next term of the Circuit Court of Lee County. The above described or each or what sum it is indebted to the defendants B. F. Richmond and Mattie D. Richmond, or either of them, and what effects of the said defendants it has in its hands, known under my hand this 12th day of May 1903.

A. J. Munney Clerk

Virginia Lee County to-wit:

This day personally appeared before me A. J. Munney Clerk of the Circuit Court for Lee County Virginia Mr. H. Flannery and made oath that he delivered an attached office copy of the within Spa in Chancery attachment endorsed to B. F. Bank. Copying of Powell Valley Bank, at 3, Ogeek P. M., on this 12th day of May 1903, before me under my hand this May 12th 1903,

A. J. Munney Clerk